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September 17, 2019

VIA USPS OVERNIGHT MAIL

Timothy Epp
National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania NW, Room 5315
Washington, DC 20460
202-564-2830
Epp.tim@epa.gov

Re: Freedom of Information Act Request – January 6, 2019 Derailment Bartow, Georgia

Dear Mr. Epp and National FOIA Office:

Please accept this request for information pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") and FOIA regulations at 40 C.F.R. Part 2 as recently revised and updated. As explained in greater detail below, we request any and all of the following records:

Regarding the U.S. Environmental Protection Agency (EPA) response and activities relating to the January 6, 2019 derailment in Bartow, Georgia (Jefferson County) the following records:

1. Any data collected by EPA or its contractors, which included Tetra Tech.
2. Any field logs or notes which include data or information regarding the derailment effects.
3. Any reports or records regarding the derailment.

The EPA personnel involved in the response that we are aware of are all EPA Region 4 employees in the Superfund and Emergency Management Division, and include Subash Patel, Rick Jardine, Kevin Eichinger, Franco Benjamin, and Kenneth Rhame.

We are specifically not requesting documents which were prepared by consulting firm CTEH including information from CTEH and provided to the above-referenced EPA personnel, or documents that were prepared by Norfolk Southern Railway Company including information from NSRC and provided to the above-referenced EPA personnel.

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Tallahassee, Florida

GUARANTEE OF PAYMENT OF CHARGES UNDER 40 C.F.R. § 2.107

We guarantee payment of charges for processing this request under 40 C.F.R. § 2.107 up to an amount of \$ 500. Please contact me if the charges exceed this amount for any additional necessary approval.

DEFINITIONS

To the extent otherwise undefined, the term "Records" as used herein means the original and all non-identical copies, however produced or reproduced, of any written, graphic matter, as well as computer files, including but not limited to writings, handwritings, drawings, graphs, chats, correspondence, faxes, electronic mail (i.e., e-mails), attachments to electronic mail; any other electronic communications; notes of telephone conversations, meetings or conferences; minutes of meetings; interoffice communications; memoranda; studies; analyses; results of investigations; photographs; sound recordings; electronically stored information; and other data compilations from which information can be obtained.

FOIA RESPONSE

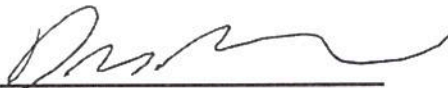
We believe that the records requested herein are not exempt from disclosure. If the EPA believes that one or more documents or records covered by this request contain exempt information, we respectfully request that the EPA provide reasonably redacted copies of such records to the extent possible, and that the EPA identify any such exempt information along with the basis or bases for withholding such information.

Please provide the requested material at the earliest possible date, and, in any event, please provide as complete a response as possible to this request within the twenty day period prescribed by FOIA. Please forward currently available documents and records as soon as possible and others as they become available.

Please also contact me at (404)245-5421 or david.moore@earthandwatergroup.com if you have any questions. Thank you very much for your time and consideration and work toward protection of the nation's environmental resources.

Sincerely,

EARTH & WATER LAW LLC

By: 

David M. Moore

David.moore@earthandwatergroup.com

Direct: (404)245-5421